THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.24831 of 2006

Date:05.02.2007

Between:

Syed Gaffar and another.

.. PETITIONERS

AND

The Secretary,
Regional Transport Authority.

..RESPONDENT

ORDER:

The first petitioner is said to have purchased six vehicles, and the second petitioner four vehicles from the respective owners in the State of West Bengal. It is their case that they have submitted applications before the respondent for transfer of the ownership in the registration certificates and change of registration marks. The petitioners state that they purchased the vehicles by obtaining loans from financing agencies and on account of the delay in payment of instalments, the vehicles have been seized by the said financers and thereby, the vehicles could not be produced for verification. Their grievance is that the respondent is not refunding the tax paid by them, when they approached for that purpose stating that he is ready to change the registration marks, if the vehicles are produced. They seek appropriate directions in this regard.

The respondent filed counter-affidavit. It is stated, *inter alia*, that the applications filed by the petitioners were processed and that communications were received from the original registering authority to the effect that they did not issue 'No Objection Certificates' for transfer. It is also stated that in spite of repeated demands, the petitioners did not produce the vehicles for verification.

Heard the learned counsel for the petitioners and the learned Government Pleader for Transport.

Once the petitioners have submitted applications for transfer of the vehicles said to have been purchased by them in their names, and for change of registration marks, it is for them to comply with the requirements, be it in the matter of furnishing of 'No Objection Certificate' from the original registering authority or production of vehicles. The petitioners are not able to point out any lapse on the part of the respondent in the matter of processing their applications. They seek refund of the tax paid by them and refund of the documents enclosed to the applications. Such a request can be treated as genuine, if only the respondent expressed its inability to transfer the ownership. When the respondent is ready and willing to transfer the ownership and assign new registration marks and the lapse is emanating from the petitioners, the question of directing the refund of the tax or the documents does not arise.

Therefore, the writ petition is dismissed. It is, however, directed that as and when the petitioners comply with the requirements under law, the respondent shall consider the transfer of ownership of the vehicles and assignment of new registration marks, in accordance with the Motor Vehicles Act, 1988, and the Rules made there under. There shall be no order as to costs.

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05.02.2007

Note: Issue C.C. in one week.
(B/o)
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